

THE HOAGLAND CASE

Validity of a Divorce Granted Twelve Years Ago Questioned.

HUSBAND MARRIED AGAIN

FORMER WIFE TURNS UP AND SUES FOR MAINTENANCE.

Alleging the Divorce Was Obtained Without Her Knowledge, and That She Is Still His Legal Wife—The Defendant Tells His Story On the Witness Stand—The Trial Still in Progress.

The suit for maintenance brought by Maggie Hoagland against Frank Hoagland came on for hearing before Judge Hines yesterday, with Messrs. Shepard & Stanford appearing for the plaintiff, and Messrs. C. F. and F. C. Looftown for the defendant.

The case is a very peculiar one, it appearing that the defendant had obtained what he thought was a legal divorce on March 8, 1886, by confession in the state of Colorado on the ground of desertion, and thereafter married another woman and has lived with her as his wife ever since.

Mrs. Hoagland alleged in her complaint in this case that she and the defendant, intermarried at Buena Vista, Colo., on July 1, 1883, and that during the year 1883 the defendant deserted her without cause, and has neglected to support her with the common necessities of life, although he is amply able to support her, being worth \$50,000. Mrs. Hoagland asked that she be awarded \$500.00 for the defendant's property, divided in such way as to the court may seem just and equitable, and that she have the custody of their 12-year-old daughter, Ollie.

DEFENDANT'S ANSWER.

In his answer the defendant set up that he and the plaintiff intermarried at Buena Vista, Colo., on July 1, 1883. He denied that he deserted his wife without sufficient cause. He admitted that for more than five years he has not provided for the plaintiff, but denied that he is worth \$50,000 or any sum over \$15,000, and denied that he cohabited until the latter part of 1883, or for any period longer than one month after the date of desertion, July 1, 1883, and denied that the child, Ollie Hoagland, born the latter part of 1883, is his child.

The defendant then alleges that in August, 1883, one month after the marriage, Mrs. Hoagland deserted and abandoned him without just cause, and that on March 8, 1886, after a full hearing, he obtained a divorce from her, and that by the decree of the court the plaintiff's relation is fully determined and discharged, and that the alleged cause of action is barred by the statute of limitations, and that the plaintiff has been guilty of laches in prosecuting her alleged cause of action, it being now 15 years since the date of desertion of the defendant by the plaintiff, and further, that after the lapse of ten years from the time he obtained the decree of divorce he contracted a second marriage, and that the plaintiff's husband of another woman, that the plaintiff has for more than nine years had knowledge of the existence of the divorce, and that she is still an unmarried woman, and that she is not a competent and ought not to be maintained by law.

Mrs. Hoagland, on the other hand, contended that the divorce was obtained by fraud and that she had not been served with any summons, although she says Hoagland knew at the time where she was, and that she had knowledge of the divorce for a long time after it was granted.

THE PLAINTIFF TESTIMONY.

Mrs. Hoagland was the first witness called, and testified substantially to the statements set out in her complaint.

She also said that in 1883 she moved to Durango, Colo., and started a suit for maintenance.

After the suit was filed she met Hoagland on the street and, after talking the matter over with him, they decided to live together again, which they did for about a week. Then, Mrs. Hoagland says, she learned of his divorce, and upon his refusing to leave, that she left him. For some reason or other the suit filed at Durango, was dismissed and another suit of a similar nature was started at Leadville. This one was also dismissed in 1885, on account of the witness said, of her attorney being in collusion with Hoagland. Then Mrs. Hoagland commenced proceedings once more at Leadville, this time for divorce and alimony, but as Hoagland was not siding on the side of the state, she said her attorney advised her that she could do nothing.

A. H. Campbell was called to the stand and corroborated Mrs. Hoagland as to the fact of the marriage and desertion.

The depositions of several witnesses were read, showing that Hoagland had not supported the plaintiff for a long time.

HOAGLAND'S STORY.

Frank Hoagland testified for the defense that he was married to the plaintiff on July 1, 1883, and that about a month afterwards he found it necessary on account of business to remove from Buena Vista to Dillon, Mont., and his wife refused to accompany him, giving as a reason that she was not going further west than Colorado, that she intended going to Leadville for awhile, and from there back to a relative who was said to be wealthy. Witness was a blacksmith, and came to Salt Lake from where he went to Park City and engaged in mining for a while there, and also in other camps in this state. He was now engaged in the second-hand business at 150 West Second South street, this city.

Witness then moved around to various places, and was residing in Silverton, Colo., when he applied for the divorce. He resided at Silverton for five years, and then went to Durango, Colo., saw the plaintiff at Durango on the streets quite frequently, but did not cohabit with her. She started a suit against him at Durango for alimony. Her attorney came to see the witness about settling the case, and witness told him he had a divorce, but would pay \$200 to settle the matter, because he preferred that the plaintiff should have the money rather than the lawyers. He heard no more about it, and never paid anything.

Plaintiff started another suit against witness at Leadville, which never came to trial. The summons and complaint in that case was served on witness in Salt Lake, in 1891.

Hoagland was under cross-examination when court adjourned until this morning.

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On Tuesday, Feb. 15, we place on sale our Miller, Warburton, Denney and Scholte dress suits, in stylish shapes. Your inspection invited. BROWN, TERRY & WOODRUFF CO., 140 Main Street.

THE SUPREME COURT

Decision Hardened Down in a Sheep Tax Case.

TAYLOR VS. ROBERTSON

ASSESSOR'S JURISDICTION TO COLLECT TAXES BY SALE.

Judgments Entered in Judge Hines' Court—Petit Jurors Accepted—Routine Business Transacted in the Federal Court—Attorneys Pence and Murphy Leave For Denver.

BURIAL OF PAUPERS.

AN UNJUST BURDEN BORNE BY THE COUNTY.

So Says Commissioner Hall—Mrs. Morrissey Loses Her Pension—Road Supervisors—Miscellaneous.

According to Commissioner Hall, the county has been bearing a burden of expense in burying paupers which should be borne by Salt Lake City. If the commissioner's contention is correct, the municipality will hereafter be called upon to stand the expense of interment of indigents who die within the city limits. At yesterday's meeting of the board of county commissioners, no motion of Commissioner Hall, the county attorney was directed to submit an opinion as to the county's liability in this matter.

A PENSIONER DISQUALIFIED.

At yesterday's board meeting the pension which Alice Morrissey has been receiving from the county since her husband was killed while engaged in the execution of his duties as a special peace officer at Brigham on July 4, 1886, was cut off. It had come to the board's knowledge that the dependent woman had re-married and settled in American Fork, and the necessity of continuing the \$10 monthly allowance was deemed to have ceased to exist.

On recommendation of the relief committee, Thomas Cunnell's petition for the abatement of the tax on his \$500 mortgage, was granted. It was shown that the interest earnings were the only means of support the old gentleman has.

THE DAVIS DAMAGE CLAIM.

The old claim of George Davis in the sum of \$48 for damages alleged to have been done to his land, fence and orchard on account of the county having taken a portion of the land for road purposes and cutting off his supply of irrigating water from the Holladay canal, was called up on the demand of Attorney Elchior for an adjustment of his client's claim. The matter has been slumbering since last November, when the county attorney reported that the claimant had only an adverse title to the land surrounded by his fence, and until it was shown how much land Davis actually owned it could not be determined to what extent the county's liability runs. The matter was referred to the road committee.

RELATING TO ROAD SUPERVISORS.

R. S. Hamilton tendered his resignation as road supervisor of District No. 15, on account of being elected to the position, and recommended the appointment of Thomas M. Hamilton as his successor. The matter was referred to the committee on roads and bridges.

The claim of Charles Ekins of Crescent, in the sum of \$86, for damages done to his potato and wheat crop last season by reason of the road supervisor's neglect in not irrigating ditch, leading to his land, in making road improvements, was allowed at \$84, on recommendation of the committee to whom the claim had been referred.

MISCELLANEOUS BUSINESS.

Relative to L. L. Nunn's petition for a franchise to construct and operate an electric railroad along the county highways from southwest of the city to Brigham, the clerk was directed to notify Mr. Nunn that the board desired a conference with him before taking final action on his petition.

The petition of August Robyn for a refund of tax on a mortgage amounting to \$500, on account of being paid in full, was referred back to the accompanying affidavit being defective in that it failed to show when petitioner became a mortgagor.

The official bond of Joseph S. Mowley as justice of the peace of Bluff Dale precinct for the unexpired term of office, was approved. The sureties, Lewis H. Mowley and Charles H. Cannon, qualified in the sum of \$250.

Appropriations were made of a large number of current expense claims. Among them were one for \$100 to cover expenses incurred by C. O. Whittemore in taking depositions of witnesses resident in Chicago for use in the case of the plaintiff against the county for payment of the repudiated furniture warrants.

NEWS OF THE NATIONAL GUARD.

First Lieutenant G. W. Proutt of battery B at Ogden, has received notice of an appointment in the railway mail service, which will take him to Cheyenne for headquarters and his resignation will be forthcoming soon. Lieutenant F. H. Davis is going to leave the city and go to southern Utah and that by will resign, seems to be conceded. Second Lieutenant Morris has notified Captain Hodge that he will resign at his resignation at an early date. Then battery B will have an election for three lieutenants.

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THE WEST SHUT OUT

Czar Reed's Way of Punishing the Bryan States.

JUDGE KING'S DISCOVERY

SPEAKER IS THE WHOLE THING IN CONGRESS.

Senator Cannon's Protest Against Timber-cutting Restrictions—Lumber Men Have a Double Cinch—Expected Democratic Majority of 60 in the Next House.

ONE ENJOYS

Both the method and results when Syrup of Figs is taken; it is pleasant and refreshing to the taste, and acts gently yet promptly on the Kidneys, Liver and Bowels, cleanses the system effectually, dispels colds, headaches and fevers and cures habitual constipation. Syrup of Figs is the only remedy of its kind ever produced, pleasing to the taste and acceptable to the stomach, prompt in its action and truly beneficial in its effects, prepared only from the most healthy and agreeable substances, its many excellent qualities commend it to all and have made it the most popular remedy known.

Syrup of Figs is for sale in 50 cent bottles by all leading druggists. Any reliable druggist who may not have it on hand will procure it promptly for any one who wishes to try it. Do not accept any substitute.

CALIFORNIA FIG SYRUP CO.

SAN FRANCISCO, CAL.
LOUISVILLE, KY. NEW YORK, N.Y.

Follows: William Gibby, J. V. Marston, F. J. Fabian, David McKenna, William Owens, A. L. Brown, M. Bowers, H. W. Lawrence, Arthur Winter, Milton A. Musser.

Federal Court Orders.

The district attorney's amendments to the bill of exceptions of James H. Bacon were argued yesterday morning before Judge Hines during the brief recess of the federal court. In addition to this, the parties on the two bonds of Bacon, given before the filing of the bill of exceptions, were heard.

The petition in the case of Herbert R. McLean, administrator of the estate of Giuseppe Mastromonte vs. the Southern Pacific company, to have the case heard here instead of in the north division at Ogden, where it had been ordered transferred, was taken under advisement.

The case of Charles H. Shaffner, band leader of the Twenty-fourth United States infantry, whose Caucasian sensibilities were wounded some time ago, by a remark appearing in a colored paper in the Polk & Co. directory, was before the federal court yesterday on a demurrer filed by the defendants to the complaint. The demurrer was sustained and the plaintiff gave leave to amend the complaint by interpleading.

Attorney James H. Moyle was admitted to practice in the federal court yesterday on motion of Attorney Thomas Marshall.

Papers admitting him to citizenship were received by Arthur William Mounsey.

Settlements were made as follows: Feb. 17, Simon F. Muckle, Brickyard, Gold Mine company; Feb. 18, R. De Lamar vs. W. J. Skinner et al.; Feb. 20, W. K. Sullivan vs. Mark Spencer et al.

Zion's Savings Bank & Trust company has entered suit against P. W. Madison to recover \$14,000 on promissory note. The note was executed on Oct. 2, 1894, by Hester J. Grant, Elias A. Smith, George O. Grant, John Hester, Thomas Grant, J. P. Grant, Charles S. Burton, P. W. Madison and William H. Rowe, but Madison alone is made a defendant in the suit.

Zion's Co-operative Mercantile Institution recovered \$100 on a promissory note recovered \$500 and \$100.00 interest on a promissory note and to recover \$100.00 of bonds and coupons, and also the question of the legality or constitutionality of the statute had not been raised by either party, the court does not pass upon it.

The court further finds that the evidence on the part of the plaintiff is sufficient to recover \$2,000, was on trial yesterday in Judge Cherry's court and will be resumed again this morning. The plaintiff alleged that W. R. Griffith was held by him as a trust fund on behalf of the plaintiff, Parnell Griffith & Co., Trust company, and the plaintiff claimed to be the successors of Griffith as trustees. The bank denied that it was placed to the credit of that fund and alleged that it went to another fund entirely, and that the latter fund the bank had in its hands and set up a counter claim of \$750.

Messrs. Pence and Allen, and E. D. Thompson represented the plaintiff and Mr. E. R. Critchlow was for the defendant. Jury was waived and case is being tried by the court.

Petit Jurors Accepted.

The following gentlemen were examined and accepted as petit jurors for service in Judge Cherry's division of the Third district court: Edwin Durwin, William Munson, Walter K. Conrad, Thomas D. Brown, J. S. Young, Harry Goddard, Benjamin M. Harrison, Joseph J. Williams, John Eschinger, William H. Rowe.

A venire for ten additional petit jurors was issued from Judge Cherry's court as follows:

A PURE GRAPE CREAM OF TARTAR POWDER

DR. J. C. SMITH'S

CREAM BAKING POWDER

Awarded

Highest Honors, World's Fair Gold Medal, Midwinter Fair

THE CONGRESSIONAL TRAP IN THE BEE.

ITALIAN RAN AMUCK.

Drunken Section Hand With Revolver Finally Laid Out.

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